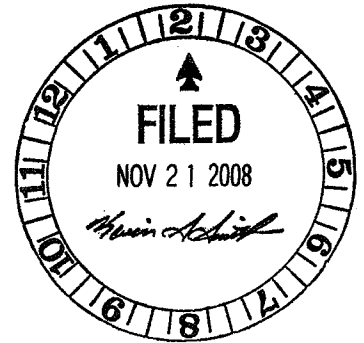


In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR HUNTINGTON COUNTY)

Case No. 35S00-0811-MS- 616

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Huntington Circuit and Superior Courts request the approval of amended local rules: for caseload allocation in accordance with Ind. Administrative Rule 1(E), assignment of criminal cases pursuant to Ind. Criminal Rule 2.2, assignment of special judges in accordance with Ind. Trial Rule 79, and regulation of court reporter services in accordance with Ind. Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Huntington Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR35-00-17, LR35-CR-2.2-27, 29, 30, LR35-TR(79)-16 and LR35-AD15-51, comply with the requirements of Ind. Administrative Rule 1(E), Ind. Criminal Rule 2.2, Ind. Trial Rule 79, and Ind. Administrative Rule 15, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Huntington County Local Rules, LR35-00-17, LR35-CR-2.2-27, 29, 30, LR35-TR(79)-16 and LR35-AD15-51, set forth as an attachment to this Order, are approved effective January 1, 2009, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website not less than thirty (30) days prior to the effective date.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas A. Hakes, Huntington Circuit Court, 201 North Jefferson Street, #301, Huntington, IN 46750-2800; the Hon. Jeffrey R. Heffelfinger, Huntington Superior Court, 201 North Jefferson Street, #302, Huntington, IN 46750-2867; and to the Clerk of the Huntington Circuit Court, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Huntington Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for

examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 21st day of November, 2008.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

(A) Cases involving a change of judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other judges, senior judges or magistrates from Huntington County. If a sufficient number of Huntington County judges, senior judges or magistrates does not exist, then a panel shall be named including the available Huntington County judges, senior judges or magistrates and judges, senior judges or magistrates from counties within the Judicial Administrative District of which Huntington County is a member.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties selected within the Judicial Administrative District of which Huntington County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

(B) Cases involving recusal or disqualification of a judge

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties within the Judicial Administrative District of which Huntington County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

LR 35-00-17

CASELOAD ALLOCATION PLAN

1. Criminal, Infraction and Ordinance Violation Cases

Criminal cases shall be filed pursuant to LR35-CR-2.2-27. All infraction and ordinance violation cases not associated with a felony charge required to be filed in the Huntington Circuit Court shall be assigned to Huntington Superior Court.

2. Probate and Related Cases

All estate, guardianship, paternity, adoption and trust cases shall be assigned to the Huntington Circuit Court

3. Juvenile Cases

All juvenile cases of every sort shall be assigned to Huntington Circuit Court.

4. Civil Cases

Except as otherwise specifically set out in this Rule, civil cases of all sorts, including domestic relations cases, shall be assigned to whichever court the attorney or the self-represented litigant filing the case designates to the clerk. Petitions for dissolution of a marriage filed by a self-represented litigant shall be filed in either the Huntington Circuit or Superior Court.

5. Small Claims and Protective Order Cases

All small claims and protective orders (including workplace violence protective order) cases, except protective orders associated with a case previously assigned to the Huntington Circuit Court, shall be assigned to the Huntington Superior Court.

6. Mental Health

Mental health cases shall be assigned to the Huntington Circuit Court.

7. Re-filed Cases

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

8. Continuing Monitoring

Not later than October 1 of each year, all judges of the courts of record in Huntington County shall meet and shall evaluate each court's caseload data as reported to the Division of State Court Administration.

If, in a given year, the weighted caseload statistics from the Division of State Court Administration indicate that a caseload variance among these courts exceeds forty percent (40%), the courts of record in Huntington County shall submit a revised Caseload Allocation Plan pursuant to the Indiana Supreme Court Division of State Court Administration's "Schedule for Submission of Caseload Plans Pursuant to Administrative Rule 1(E)".

LR 35-CR-2.2-27

ASSIGNMENT OF CRIMINAL CASES

Pursuant to CR 2.2, assigned Criminal Cases shall be assigned, transferred or appointed as special judge as follows:

1. *CASE ASSIGNMENT.* All cases involving murder or wherein the most serious charge is a Class A felony, a Class B felony or a Class C felony, shall be assigned to the Huntington Circuit Court except that all cases filed under Title 9 or cases involving controlled substances shall be filed in the Huntington Superior Court. All cases involving allegations of child molesting or battery on a child shall be assigned to the Huntington Circuit Court regardless of classification.

All misdemeanors, Class D felonies, offenses relating to controlled substances, and offenses set forth under Title 9 of the Indiana Code shall be assigned to the Huntington Superior Court.

2. *TRANSFER.* A Judge of the Huntington Circuit or Superior Court, by appropriate order entered in the record of Judgments and Orders, may transfer and reassign to the other Court of record any pending case subject to acceptance by the receiving Court.
3. *APPOINTMENT OF SPECIAL JUDGE.* In the event no Judges are available for assignment or reassignment of a felony or a misdemeanor case the appointment shall be given on a random basis to a judge in a contiguous county from a list maintained by the clerk of the circuit court.

LR 35-CR-2.2-29

REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the Court from which the dismissal was taken. In the event additional charges are filed against a criminal Defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending case shall be assigned to the Court of initial assignment

LR 35-CR-2.2-30

REASSIGNMENT

1. In the event a change of Judge is granted or becomes necessary to assign another Judge in any felony or misdemeanor proceedings, the case shall be reassigned or transferred to the other Court of record. Should that Judge be unable to serve for any reason, all pending felony and misdemeanor cases may be reassigned on a random basis to a judge in a contiguous county.

LR 35-AD15-51

COURT REPORTER COMPENSATION

The undersigned courts comprise all of the courts of record of Huntington County, Indiana and hereby adopt the following local rule by which court reporter services shall be governed.

Section One. Definitions. The following definitions shall apply under this local rule:

1. *A Court Reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
2. *Equipment* means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
3. *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

6. *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
7. *Gap hours worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) per work week.
8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
9. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts in Huntington County.
11. *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
12. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

Section Two. Salaries and Per Page Fees.

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours, i.e. monetary compensation or compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$3.50; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$3.50.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.75.
5. The maximum fee that a court reporter may charge for an expedited transcript is \$6.00 per page (anything prepared in 10 days or less).
6. The minimum fee that a court reporter may charge for a private transcript is \$35.00.
7. An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript, table of contents and exhibit binders.

8. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three. Private Practice.

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. The reasonable market for the use of equipment, work space and supplies;
 - b. The method by which records are to be kept for the use of the equipment, work space and supplies; and
 - c. The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.